

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NETLIST, INC.

Plaintiff,

vs.

SK HYNIX INC. and
SK HYNIX AMERICA INC.

Defendants.

Civil Action No. 6:20-cv-00194-ADA

Civil Action No. 6:20-cv-00525-ADA

JURY TRIAL DEMANDED

JOINT SUBMISSION OF PROPOSED SCHEDULING ORDER

Pursuant to the Court's Order of February 2, 2021 (6:20-cv-00194-ADA, ECF Doc. No. 87), Plaintiff Netlist, Inc. and Defendants SK hynix Inc. and SK hynix America Inc., through their respective counsel, jointly submit the joint schedule proposal governing the consolidated matters, attached as **Exhibit A**.

Netlist notes that it is still in the process of verifying dates with certain of its testifying experts, but agrees to the proposed scheduling order.

SK hynix respectfully objects to the Court's February 2 Order's resetting of case dates, including the new date for SK hynix's responsive claim construction brief, removing SK hynix's right to file a surreply claim construction brief, the new date for the Markman hearing, and the new date for trial, and reserves all rights and bases for objecting thereto. SK hynix, however, understands the Order to require the parties to submit new dates for all deadlines not set or effectively removed by the Order by today and thus has worked with Netlist and hereby joins Netlist in submitting this proposed scheduling order, while preserving all objections. SK hynix's joinder in this motion providing this proposed schedule is not and should not be taken as indicating

SK hynix's agreement with this proposed schedule, and SK hynix respectfully reserves the right to seek modifications thereof. In addition, SK hynix is still investigating its witnesses', including expert witnesses', and counsels' availability, both in the general sense and in terms of the on-going pandemic and any special considerations that raises, for the new trial date and respectfully reserves the right to seek modification of the trial dates on that basis as well.

For the convenience of the Court, a chart of the existing dates compared to the new, proposed dates in Exhibit A, is set forth below:

Item	Old Date/Deadline	New Date/Deadline
525 - Defendants file Responsive claim construction brief.	February 10, 2021	February 8, 2021
525 - Plaintiff files Reply claim construction brief.	February 24, 2021	February 23, 2021
525 - Defendants file Surreply claim construction brief.	March 10, 2021	N/A
Parties submit Joint Claim Construction Statement. In addition to filing, the parties shall jointly submit, via USB drive, Dropbox (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.	March 12, 2021	February 24, 2021
Parties submit optional technical tutorials. The parties shall also jointly submit, via USB drive, Box (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits.	March 12, 2021	N/A
Markman Hearing at 1:30 p.m.	March 19, 2021	March 1, 2021
Deadline to add parties.	April 9, 2021	March 12, 2021

Item	Old Date/Deadline	New Date/Deadline
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.	April 16, 2021	March 19, 2021
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.	June 11, 2021	March 26, 2021
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.	June 25, 2021	March 31, 2021
Close of Fact Discovery.	July 23, 2021	April 2, 2021
Opening Expert Reports.	July 30, 2021	April 9, 2021
Rebuttal Expert Reports.	August 27, 2021	April 30, 2021
Close of Expert Discovery.	September 24, 2021	May 14, 2021
Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	September 29, 2021	May 19, 2021

Item	Old Date/Deadline	New Date/Deadline
Dispositive motion deadline and Daubert motion deadline. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).	October 1, 2021	May 21, 2021
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	October 15, 2021	May 28, 2021
Serve objections to pretrial disclosures/rebuttal disclosures.	October 29, 2021	June 4, 2021
Serve objections to rebuttal disclosures and File Motions in limine.	November 5, 2021	June 11, 2021
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine	November 12, 2021	June 18, 2021
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions in limine.	November 19, 2021	June 18, 2021
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.	November 22, 2021	June 22, 2021
Final Pretrial Conference.	November 29, 2021	June 29, 2021
Jury Selection/Trial.	December 6, 2021	July 6, 2021

Dated: February 5, 2021

By: /s/ Michael D. Hatcher

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on February 5, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Andrew H. DeVoogd
Andrew H. DeVoogd